

REMARKS

Claims 16-20 are currently pending. Claims 16-20 have been amended herein. The amendments to Claims 16-20 add no new matter and are fully supported in the specification. Reconsideration and allowance of these Claims are respectfully requested.

Claim Objections

The Examiner objected to the Claims as containing informalities. The Claims have been amended so as to eliminate any informalities (see attached amendments to the Claims). Consequently, the Applicants request the withdrawal of the objections to the Claims.

Drawings

The Examiner objected to the drawings as not showing every feature of the invention specified in the Claim. It should be appreciated that the phrase “view that a stand alone RMON probe would have” is only intended to describe an aspect of the functionality of the embodiments of the Applicants’ invention as are set forth in the Claims and thus is not amenable to structural illustration as is suggested by the Examiner. However, it should be noted that alongside the descriptions of the component parts of the Applicants’ system are descriptions that detail the operations performed by exemplary embodiments. The Applicants thus respectfully submit that all features of the invention specified in the Claims are indeed shown in the drawings. Accordingly, the Applicants respectfully request the withdrawal of the objections to the Claims.

Additionally, the Examiner objected to the drawings as not showing other features of the invention that are specified in the Claim. The Claims have been amended in a manner that renders the Examiner’s objection moot. The Applicants thus respectfully submit that all of the features of the invention specified in the Claims are indeed shown in the drawings. As such, the Applicants respectfully request the withdrawal of the objections to the Claims.

112(1) Rejections

The Examiner rejected Claim 16 under 35 U.S.C 112, first paragraph as failing to comply with the enablement requirement. The Examiner alleges that the term “view” is not enabled by the specification or and suggests that it represents a quantity that must be somehow displayed. The Applicants respectfully disagree. The term “view” is not intended to refer to an image based view but to the functional perspective of the claimed component to which it is ascribed. Thus, this feature is an inherent in the function of the component to which it is ascribed. Consequently, the withdrawal of the 112 rejection made on the basis of non-enablement is respectfully requested.

Additionally, the Examiner objected to Claims 17 and 18 for failing to comply with the enablement requirement. Claims 17 and 18 have been amended in a manner that renders these objections moot. Consequently, the Applicants request the withdrawal of the rejection of Claims 17 and 18 under 35 U.S.C. 112(1).

112(2) Rejections

The Examiner rejected Claim 16 under 35 U.S.C 112, second paragraph as failing to particularly point out and distinctly claim the invention. The Examiner alleges that the terms “and/or” and “or” renders Claim 16 indefinite and suggests that Applicants use “and” as an alternative. The Applicants respectfully disagree and reminds the Examiner that the use of alternative language such as “or” is not improper (see MPEP 2173.05(h)). Consequently, the withdrawal of the 112(2) rejection is respectfully requested.

Additionally, the Examiner objected to other aspects of Claim 16 that the Examiner contends renders Claim 16 indefinite. Claim 16 has been amended in a manner that renders these objections moot. Consequently, the Applicants request the withdrawal of the rejection

of Claim 16 under 35 U.S.C. 112(2).

102 Rejection

Claims 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over by Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703).

Applicants have reviewed the recited references and respectfully submit that the present invention as is recited in Claim 16 is neither anticipated nor rendered obvious by the Raab et al. in view of Desai et al.

The Examiner is respectfully directed to independent Claim 16 which recites that an embodiment of the present invention is directed to:

...deploying dRMON agents within ESs to be monitored, said dRMON agents implementing RMON functional groups but only capturing and analyzing packets that their native ES sends or receives; on a periodic basis having the dRMON agents forward statistics and/or captured packets to a dRMON proxy or collector, existing somewhere on the LAN...

Raab et al. does not anticipate nor render obvious a method for distributed remote network monitoring comprising, “deploying dRMON agents within ESs to be monitored said agents implementing RMON functional groups but only capturing and analyzing packets that their native ES sends or receives.” Raab et al. only discloses a method and apparatus for monitoring a dedicated communications medium in a switched data network. As such, Raab et al. is only concerned with the monitoring of the medium between network connected devices and not the network connected devices themselves. In fact, Raab et al. teaches at column 4, lines 33-37 that his disclosed system monitors the traffic patterns “between workstations.”

Nowhere, does the Raab et al. reference show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Desai et al. does not overcome the shortcomings of Raab et al. noted above. Even if the Examiners allegations regarding the teachings of the Desai reference are correct (that Desai teaches deploying dRMON agents within ESs; see Office Action page 3), the combination of Raab et al. and Desai et al. would not render the current invention obvious within the meaning of 35 U.S.C. 103 as Raab et al. clearly teaches (as is indicated above) that the disclosed system is concerned with monitoring the medium that connects network devices. As such, Raab et al. sharply teaches away from employing components of a system (such as that disclosed by Desai et al.) that feature attributes incompatible with this concept. Moreover, it has been held that the teachings of a reference are not sufficient to render an invention obvious where the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference as well as a change in the basic principle under which the construction was designed to operate.” *In re Ratti*, 270 F.2d. 810, 123 USPQ 349 (CCPA). Consequently, Desai et al. and Raab et al., either alone or in combination, do not anticipate or render obvious the Applicants’ invention as is set forth in Claims 16.

Therefore, Applicants respectfully submit that Raab et al. and Desai et al. either alone or in combination does not anticipate or render obvious the present Claimed invention as is recited in independent Claim 16 and that independent Claim 16 overcomes the Examiners

basis for rejection under 35 U.S.C. 103(a). Accordingly, Applicants submit that Claim 16 is in condition for allowance.

Claims 17 and 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view of Dobbins et al. (U.S. Patent 5,790,546). Dobbins et al. does not overcome the shortcomings of Raab et al. and Desai et al. noted above. Nowhere, does the Dobbins et al. reference show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. in view of Desai et al. in further view of Dobbins et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view of Umetsu (U.S. Patent 5,751,963). Umetsu does not overcome the shortcomings of Raab et al. and Desai et al. noted above. Nowhere, does the Umetsu reference show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. in view of Desai et al. in further view of Umetsu does not anticipate or render obvious the applicants invention as is recited in the Claims.

Claims 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view of Nugent et al. (U.S. Patent 6,076,131) in further in view of Engel et al. (U.S. Patent No. 6,115,393). Nugent et al. further in view of Engel et al. does not overcome the shortcomings of Raab et al. and Desai et al. noted above. Nowhere, does either the Nugent et

al. or Engel et al. references show or suggest monitoring data in end systems (ESs) as is recited in applicants Claim 16. Consequently, Raab et al. in view of Desai et al. in view of Nugent et al. and further in view of Engel et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Conclusion

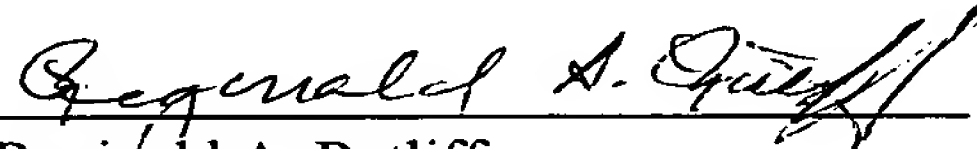
In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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